



January 12, 2005

## SENATE BILL No. 165

DIGEST OF SB 165 (Updated January 11, 2005 11:20 am - DI 75)

**Citations Affected:** IC 5-2; IC 34-30.

**Synopsis:** Law enforcement training. Specifies that the employees of certain university police departments are law enforcement officers. Expands the law enforcement training board (board) to include the police chief of Indianapolis and the sheriff of a county with a population of at least 100,000. Requires that the police chief executive training program must include training on emergency vehicle operation and cultural diversity. Requires the board to develop a refresher course for certain former law enforcement officers. Authorizes the board to revoke a law enforcement officer's certification under certain circumstances. Requires a person who knows of a reason to revoke an officer's certification to make a report, and provides civil immunity for a report made in good faith. Requires the executive director of the law enforcement training board to have a bachelor's degree. Removes obsolete language and makes conforming amendments.

**Effective:** July 1, 2005.

**Drozda**

January 4, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.  
January 11, 2005, reported favorably — Do Pass.

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SB 165—LS 6584/DI 106+



January 12, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 165

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-1-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) In order to ensure the public  
3 safety and general welfare of the people of the state of Indiana and to  
4 promote equity for all segments of society, a program of mandatory  
5 training for law enforcement officers is established.  
6 (b) This chapter shall be interpreted to achieve said purposes  
7 through the establishment of minimum standards in law enforcement  
8 training.  
9 (c) It is the intent of this chapter to encourage all law enforcement  
10 officers, departments, and agencies within this state to adopt standards  
11 which are higher than the minimum standards implemented under this  
12 chapter and such minimum standards shall in no way be deemed  
13 sufficient or adequate in those cases where higher standards have been  
14 adopted or proposed.  
15 (d) The chief executive officer of a law enforcement department or  
16 agency in Indiana shall use all reasonable means to ensure that the law  
17 enforcement officers within the department or agency comply with this

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chapter. The chief executive officer shall submit to the executive director of the board, not later than ~~September~~ **March 31** of each year, a written report detailing the basic and inservice training status of each law enforcement officer on the payroll of the department or agency. The report must also include similarly detailed information pertaining to the training status of each police reserve officer.

SECTION 2. IC 5-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" ~~shall mean~~ **means** an appointed officer or employee hired by and on the payroll of the state, ~~or any of its the state's~~ political subdivisions, **or a public or private college or university whose board of trustees has established a police department under IC 20-12-3.5-1**, who is granted statutory lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are ~~hereby~~ expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer ~~including a special officer receiving only token payment for services whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.~~

(C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(2) "Board" ~~shall mean~~ **means** the law enforcement training board created by this chapter.

(3) "Advisory council" ~~shall mean~~ **means** the law enforcement advisory council created by this chapter.

(4) "Executive training program" **means** the police chief executive training program developed by the board under section 9 of this chapter.

(5) "Law enforcement training council" **means** one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(6) "Training regarding the lawful use of force" includes

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classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(7) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

SECTION 3. IC 5-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of:

(1) the superintendent of the Indiana state police department, who shall serve as ex officio ~~chairman~~ **chairperson** of the board;

(2) the chief of police of a consolidated city;

(3) one (1) county sheriff from a county with a population of at least one hundred thousand (100,000);

~~(2)~~ (4) one (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population;

~~(3)~~ (5) one (1) county sheriff from a county of under fifty thousand (50,000) population;

~~(4)~~ (6) one (1) chief of police from a city of at least thirty-five thousand (35,000) population, **who is not the chief of police of a consolidated city;**

~~(5)~~ (7) one (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population;

~~(6)~~ (8) one (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population;

~~(7)~~ (9) one (1) prosecuting attorney;

~~(8)~~ (10) one (1) judge of a circuit or superior court exercising criminal jurisdiction;

~~(9)~~ (11) one (1) member representing professional journalism;

~~(10)~~ (12) one (1) member representing the medical profession;

~~(11)~~ (13) one (1) member representing education;

~~(12)~~ (14) one (1) member representing business and industry;

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(15) one (1) member representing labor; and  
 (16) one (1) member representing Indiana elected officials of  
 counties, cities, and towns.

(b) The following members constitute an advisory council to assist  
 the members of the law enforcement training board in an advisory,  
 nonvoting capacity:

(1) The special agent in charge of the Federal Bureau of  
 Investigation field office covering the state of Indiana, subject to  
 the agent's approval to serve in such capacity.

(2) The attorney general of Indiana.

~~(3) The administrative director of the Indiana commission on  
 forensic sciences.~~

**(3) One (1) member representing forensic science, to be  
 appointed by the governor.**

(4) One (1) member representing theology, to be appointed by the  
 governor.

(5) The director of the law enforcement division of the  
 department of natural resources.

SECTION 4. IC 5-2-1-4 IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) All members of the law  
 enforcement training board shall be appointed to the board by the  
 governor. ~~Such~~ The appointments shall be made by July 31, 1967, and  
 shall be made on a bipartisan basis so that not more than one-half (1/2)  
 of the members of the board shall at any time be members of either of  
 the two (2) major political parties. ~~Four (4) of the initial appointments  
 to the board shall be for a term of one (1) year; four (4) shall be for two  
 (2) years; three (3) for three (3) years; and the remaining three (3) for  
 a term of four (4) years. Thereafter,~~ All appointments shall be for terms  
 of four (4) years or while maintaining the position held at the time of  
 appointment to the board, whichever is the lesser period. Appointees  
 to the board shall serve as members of the board only while holding the  
 office or position held at the time of appointment to the board in order  
 that the representative nature of the board outlined in section 3 of this  
 chapter may be maintained. **However, each member of the board  
 shall serve until the member's successor has been appointed and  
 qualified, unless the member's services are terminated earlier for  
 sufficient reason.** Vacancies on the board caused by expiration of a  
 term, termination of the office or position held at time of appointment,  
 or for any other reason shall be filled in the same manner as original  
 appointments. A member appointed to fill a vacancy created other than  
 by expiration of a term shall be appointed for the unexpired term of the  
 member succeeded in the same manner as an original appointment.

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Members of the board may be reappointed for additional terms. All members of the board shall serve, unless their services are terminated earlier for sufficient reason, until their successors have been appointed and qualified. Members of the board may be removed by the governor for inefficiency, ~~incompetency~~, **incompetence**, neglect of duty, or other good cause after having been accorded a hearing by the governor upon reasonable notice of the charge being made against them.

(b) Members of the advisory council who serve ~~in such capacity~~ by virtue of their office or position shall serve as members of the advisory council only during the term of ~~said~~ **their** office or position as the case may be. The governor is ~~hereby~~ authorized and empowered to appoint members to the advisory council in addition to those enumerated in section 3(b) of this chapter. All members appointed to the advisory council by the governor shall serve only during the pleasure of the governor. Advisory council appointments need not be made on a bipartisan basis.

SECTION 5. IC 5-2-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The board and advisory council shall meet at least four (4) times in each year and shall hold special meetings when called by the ~~chairman of the board~~. ~~The chairman shall call the organization meeting of the board within ten (10) days after the last initial appointment to the board shall have been made by the governor.~~ **chairperson**. The presence of nine (9) members of the board ~~shall constitute~~ **constitutes** a quorum for doing business. At least ~~eight (8)~~ **nine (9)** affirmative votes ~~shall be~~ **are** required for the passage of any matter put to a vote of the board. Advisory council members ~~shall be~~ **are** entitled to participate in the business and deliberation of the board, but only board members ~~shall be~~ **are** entitled to vote. The board shall establish its own procedure and requirements with respect to place and conduct of its meetings.

SECTION 6. IC 5-2-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. ~~Such~~ **The** rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools

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administered by towns, cities, counties, ~~the northwest Indiana law enforcement training center,~~ **centers**, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers ~~not appointed for probationary terms~~ but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training~~ board.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

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(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e) and (l), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy ~~at the southwest Indiana law enforcement training academy under section 10.5 of this chapter;~~ or at ~~the northwest Indiana~~ a law enforcement training center under section **10.5 or 15.2** of this chapter, the basic training requirements established by the board under this chapter.

(e) Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, **the lawful** use of force, and ~~firearm qualification; the operation of an emergency vehicle.~~ The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of **at least** forty (40) hours of course work. The board may prepare ~~a the classroom part of the pre-basic course on videotape that must be used~~ **using available technology** in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

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(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed ~~the~~ basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes a minimum of sixteen (16) hours each year of inservice training in any subject area included in the law enforcement academy's basic training course or other job related subjects that are approved by the board as determined by the law enforcement department's or agency's needs: **the mandatory inservice training requirements established by rules adopted by the board.** Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the law enforcement training board. ~~In addition, a certified academy staff may develop and make available inservice training programs on a regional or local basis.~~ The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to ~~any~~ **either** of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having ~~no~~ **not** more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for

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completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish a ~~police chief~~ an executive training program. The **executive training** program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- ~~(6) Firearm policies.~~
- (6) Lawful use of force.**
- (7) Department programs.
- (8) Emergency vehicle operation.**
- (9) Cultural diversity.**

(j) A police chief shall apply for admission to the ~~police chief~~ executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the **executive training** program is not available at a time that will allow the ~~police chief to complete completion of the executive training~~ program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available **executive training** program that is offered to the ~~police chief~~ after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not **continue to** serve as the police chief until ~~the police chief has completed the police chief completion of the~~ executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city; and
- (2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed

~~(1) before January 1, 1994, is not required; or~~

~~(2) after December 31, 1993, is required~~

to comply with the basic training standards established under this

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1 ~~section.~~ **chapter.**

2 (m) The board shall adopt rules under IC 4-22-2 to establish a  
3 program to certify handgun safety courses, including courses offered  
4 in the private sector, that meet standards approved by the board for  
5 training probation officers in handgun safety as required by  
6 IC 11-13-1-3.5(3).

7 (n) The board shall adopt rules under IC 4-22-2 to establish a  
8 refresher course for an officer who:

9 (1) is hired by an Indiana law enforcement department or  
10 agency as a law enforcement officer;

11 (2) worked as a full-time law enforcement officer for at least  
12 one (1) year before the officer is hired under subdivision (1);

13 (3) has not been employed as a law enforcement officer for at  
14 least two (2) years and less than six (6) years before the officer  
15 is hired under subdivision (1) due to the officer's resignation  
16 or retirement; and

17 (4) completed a basic training course certified by the board  
18 before the officer is hired under subdivision (1).

19 (o) An officer to whom subsection (n) applies must successfully  
20 complete the refresher course described in subsection (n) not later  
21 than six (6) months after the officer's date of hire, or the officer  
22 loses the officer's powers of:

23 (1) arrest;

24 (2) search; and

25 (3) seizure.

26 (p) A law enforcement officer who:

27 (1) has completed a basic training course certified by the  
28 board; and

29 (2) has not been employed as a law enforcement officer in the  
30 six (6) years before the officer is hired as a law enforcement  
31 officer;

32 is not eligible to attend the refresher course described in subsection  
33 (n) and must repeat the full basic training course to regain law  
34 enforcement powers.

35 SECTION 7. IC 5-2-1-11 IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The board is further  
37 authorized and empowered, in accordance with the rule making power  
38 granted in section 9 of this chapter, to adopt all necessary rules to:

39 (1) establish inservice and advanced training programs, and  
40 minimum courses of study and attendance requirements for such  
41 programs, to ~~insure~~ ensure that all appointed and elected law  
42 enforcement officers both appointed and elected either before or

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1 ~~after July 1, 1967~~, may be offered training in current enforcement  
2 and related subjects; ~~on a voluntary enrollment basis~~;

3 (2) establish training programs for railroad police, prison and  
4 industrial guards, college and university safety and security  
5 personnel, whether public or private, and such other enforcement  
6 related groups as the board may deem necessary, on a voluntary  
7 enrollment basis;

8 (3) establish policies and procedures governing the use of state  
9 owned law enforcement training facilities constructed or  
10 established pursuant to this chapter; and

11 (4) give public notice of any other policies, procedures, functions,  
12 or requirements which the board may deem necessary and  
13 appropriate to carry out the provisions of this chapter.

14 (b) The board is further authorized and empowered to:

15 (1) recommend or conduct studies, make surveys, and require  
16 such reports to be made by the chief administrative officer of any  
17 law enforcement agency or department of the state or any of its  
18 political subdivisions as may be necessary to carry out the  
19 objectives and purposes of this chapter;

20 (2) originate, compile, and disseminate lecture outlines and other  
21 training material, and design and furnish forms and certificates  
22 necessary to carry out and certify compliance with the training  
23 program authorized or required by this chapter; and

24 (3) perform such other acts as may be necessary and appropriate  
25 to carry out the duties, responsibilities, and functions of the board  
26 as set forth in this chapter.

27 SECTION 8. IC 5-2-1-12 IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2005]: Sec. 12. The board or any of its  
29 designated representatives are further authorized and empowered to:

30 ~~(a)~~ (1) visit and inspect any law enforcement training school of  
31 the state or any of its political subdivisions for the purpose of  
32 determining whether or not the minimum standards established  
33 pursuant to this chapter are being complied with and to issue or  
34 revoke certificates indicating such compliance;

35 ~~(b)~~ (2) issue and revoke certificates for instructors qualified or  
36 unqualified to participate in law enforcement training under the  
37 provisions of this chapter;

38 ~~(c)~~ (3) issue, ~~or~~ authorize, **or revoke** the issuance of:

39 (A) diplomas;

40 (B) certificates;

41 (C) **badges**; and

42 (D) other appropriate indicia of documents showing

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compliance and qualification;  
 to law enforcement officers or other persons trained under the  
 provisions of this chapter;  
~~(d)~~ **(4)** consult with and cooperate with any law enforcement  
 agency of the state or any of its political subdivisions for the  
 development of inservice and advanced training programs for the  
 fulfillment of specific needs in law enforcement;  
~~(e)~~ **(5)** consult with and cooperate with universities, colleges, and  
 institutes for the development of specialized courses of study in  
 police science and administration;  
~~(f)~~ **(6)** consult with and cooperate with other departments and  
 agencies concerned with law enforcement training; and  
~~(g)~~ **(7)** perform such other acts as may be necessary or appropriate  
 to carry out the provisions of this chapter.

SECTION 9. IC 5-2-1-12.5 IS ADDED TO THE INDIANA CODE  
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 1, 2005]: **Sec. 12.5. (a) The board may revoke a diploma, certificate,  
 badge, or other document showing compliance and qualification  
 issued by the board for any of the following reasons:**

- (1) The officer has been convicted of:**
  - (A) a felony; or**
  - (B) two (2) or more misdemeanors that would cause a  
 reasonable person to believe that the officer is potentially  
 dangerous or violent or has a propensity to violate the law.**
- (2) The officer has been found not guilty of a felony by reason  
 of mental disease or defect.**
- (3) The officer's diploma, certificate, badge, or other  
 document showing compliance and qualification was issued in  
 error or was issued on the basis of information later  
 determined to be false.**

**(b) A person who knows of cause for the revocation of an  
 officer's diploma, certificate, badge, or other document showing  
 compliance and qualification shall inform the officer's hiring or  
 appointing authority or the board. A person who makes a good  
 faith report of cause for revocation of an officer's diploma,  
 certificate, badge, or other document showing compliance and  
 qualification is immune from civil liability.**

**(c) If the chief executive officer receives a report of cause for  
 revocation concerning an officer within the chief executive officer's  
 agency, the chief executive officer shall:**

- (1) cause the internal affairs division (or a similar unit) of the  
 agency to investigate the report without unnecessary delay; or**

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1 (2) request that the investigation be conducted by a law  
2 enforcement agency other than the law enforcement agency  
3 to which the subject of the investigation belongs.

4 (d) If a hiring or appointing authority receives a report of cause  
5 for revocation concerning the chief executive officer, the hiring or  
6 appointing authority shall cause an appropriate investigative  
7 agency to investigate without unnecessary delay.

8 (e) If the board receives a report or otherwise learns of cause for  
9 revocation concerning a law enforcement officer or chief executive  
10 officer, the board shall consider the report and direct the executive  
11 director to notify the subject officer's hiring or appointing  
12 authority about the report and request an investigation. The hiring  
13 or appointing authority shall cause an investigation to be  
14 conducted by an appropriate investigative agency without  
15 unnecessary delay.

16 (f) If a hiring or appointing authority completes an investigation  
17 of cause for revocation, the hiring or appointing authority shall  
18 forward a complete report of its investigation, findings, and  
19 recommendations, if any, to the board. The hiring or appointing  
20 authority shall also forward to the board a description of any  
21 administrative or disciplinary action taken as a result of the  
22 investigation.

23 (g) Except as provided in subsection (h), if the board receives  
24 the results of an investigation described in subsection (f), the board  
25 shall conduct a hearing on the report, considering the report, the  
26 recommendations, and any additional information. The board shall  
27 provide the officer who is the subject of the report with notice and  
28 an opportunity to be heard. The board may appoint the executive  
29 director or another qualified person to present the report and the  
30 results of the investigation to the board. If the board determines  
31 that cause for revocation exists, the board shall revoke the subject  
32 officer's diploma, certificate, badge, or other document showing  
33 compliance and qualification. The board shall send notice of  
34 revocation by certified mail to the subject officer's hiring or  
35 appointing authority. The subject officer may pursue judicial  
36 review of the board's action under IC 4-21.5-5-13.

37 (h) When the board receives the results of an investigation  
38 described in subsection (f), the board may, instead of conducting a  
39 hearing under subsection (g), direct the executive director or  
40 another qualified person to serve as an administrative law judge to  
41 conduct the hearing described in subsection (g). If the  
42 administrative law judge determines that cause for revocation

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exists, the administrative law judge shall revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification and notify the subject officer by certified mail of the decision, with notice of the subject officer's right to appeal to the board not later than fifteen (15) days after receipt of the notice. An appeal to the board must be in writing and may be decided by the board without a hearing. The board shall notify the subject officer of the board's appellate decision under this subsection by certified mail. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

(i) An officer whose diploma, certificate, badge, or other document showing compliance and qualification has been revoked may apply to the board for reinstatement. The application for reinstatement:

(1) must be in writing; and

(2) must show:

(A) that the cause for revocation no longer exists legally; or

(B) that reinstatement is otherwise appropriate and that the applicant poses no danger to the public and can perform as a law enforcement officer according to the board's standards.

The board may direct the executive director to investigate the application for reinstatement and make a report to the board. The board shall consider the application and notify the applicant by certified mail of the board's decision.

SECTION 10. IC 5-2-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. There is hereby created the position of executive director of the law enforcement training board. The executive director shall be selected by the board and the executive director's tenure of office shall be protected by a four (4) year, renewable contract of employment which may be terminated earlier by the board only for inefficiency, ~~incompetency~~, **incompetence**, neglect of duty, or other good cause after having been accorded a hearing by the board upon reasonable notice of the charge being made against the executive director. A vote of at least nine (9) members of the board shall be necessary for the early termination of said contract of employment. The executive director shall be selected on the basis of **education**, training, and experience and shall have ~~had~~ at least **an earned bachelor's degree from an accredited college or university, plus at least** ten (10) years experience as an active law enforcement officer, at least five (5) years of which shall have been in an executive or administrative capacity. The executive director shall

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perform such duties as may be assigned by the board and shall be the chief administrative officer of the law enforcement academy. The salary and compensation for the executive director, the training staff, and employees shall be fixed by the board with the approval of the governor. The executive director shall establish a table of organization to be supplemented with job descriptions for each position subordinate to that of the executive director, all of which shall be subject to the approval of the board. All persons hired to fill such approved vacancies shall be selected on the basis of qualifications and merit based on training, education, and experience through competitive examinations except that the filling of all new positions shall be made so as to maintain in each equivalent position not more than one-half (1/2) of members of either of the two (2) major political parties. Employees and members of the training staff shall not be subject to discharge, demotion, or suspension because of political affiliation, but may be discharged, demoted, or suspended only for cause after charges ~~perferred~~ **submitted** in writing by the executive director. Any person so discharged or disciplined shall have a right to a hearing before the board if such person requests a hearing by giving notice to the executive director within fifteen (15) days after receiving written notice of discharge or disciplinary action. Procedures shall be consistent with IC 4-21.5.

SECTION 11. IC 5-2-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law enforcement agency of the state, or any of its political subdivisions, subject to the rules of the board.

(b) Any law enforcement agency of the state, any of its political subdivisions, or ~~the northwest Indiana law enforcement~~ **any board certified** training center may conduct training:

(1) for the law enforcement agency of any political subdivision in Indiana; **and**

(2) in facilities other than those of the law enforcement academy; **and**

~~(3)~~

if the minimum standards established by the board are met or exceeded.

(c) A law enforcement agency or ~~the northwest Indiana law enforcement~~ **a board certified** training center conducting approved local training under subsection (b) shall be entitled to a per capita allowance from the law enforcement training fund to defray such portions of the cost of basic training as shall be approved by the board. Such per capita allowance shall be earmarked and expended only for

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1 law enforcement training.

2 (d) The facilities of the law enforcement academy shall be available  
3 for the training of railroad police, prison and industrial plant guards,  
4 college and university safety and security personnel, whether public or  
5 private, and such other enforcement related groups as shall be approved  
6 by the board, upon terms and conditions established by the board.  
7 Railroad police and nongovernmental enforcement related groups  
8 qualifying to use the facilities of the academy under the rules of the  
9 board shall be required to reimburse the law enforcement training fund  
10 for the cost of such training.

11 (e) The facilities of the law enforcement academy may be used for  
12 the training of firefighting personnel where the subject matter of the  
13 training relates to duties which involve law enforcement related  
14 conduct. Such training shall be conducted upon terms and conditions  
15 established by the board. However, no volunteer firefighter is required  
16 to attend training at the academy.

17 (f) The cost of the mandatory basic training conducted by the board  
18 at the facilities of the law enforcement academy shall be paid out of the  
19 law enforcement training fund, if the trainees have been previously  
20 appointed and are on the payroll of a law enforcement department or  
21 agency. All other training programs authorized by this chapter and  
22 conducted at the law enforcement training academy, including the  
23 mandatory basic training course when attended by trainees who have  
24 been investigated and approved but not yet hired by a law enforcement  
25 agency, are subject to fee schedules and charges for tuition, lodging,  
26 meals, instructors, training materials, and any other items or services  
27 established by the board.

28 SECTION 12. IC 5-2-1-15.2 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.2. ~~The northwest~~  
30 ~~Indiana law enforcement~~ **A board certified** training center may  
31 provide basic training to a law enforcement officer who is:

32 (1) employed by a law enforcement agency that is a member  
33 agency of the ~~northwest Indiana~~ law enforcement training center;  
34 and

35 (2) not accepted by the law enforcement academy for the next  
36 basic training course because the academy does not have a space  
37 for the officer in the next basic training course.

38 SECTION 13. IC 34-30-2-10.5 IS ADDED TO THE INDIANA  
39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2005]: **Sec. 10.5. IC 5-2-1-12.5 (Concerning**  
41 **a good faith report of cause for revoking a law enforcement**  
42 **officer's diploma, certificate, badge, or other document showing**

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1 compliance with training requirements).

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 165, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 165 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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